

## UTILITIES DIVISION[199]

### Notice of Intended Action

#### **Proposing rule making related to regulation updates and providing an opportunity for public comment**

The Utilities Board hereby proposes to amend Chapter 8, “Civil Penalties,” Chapter 9, “Restoration of Agricultural Lands During and After Pipeline Construction,” Chapter 17, “Assessments,” and Chapter 38, “Local Exchange Competition,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 476.2.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapters 476, 477C and 479.

#### *Purpose and Summary*

The Board commences this proposed rule making to update its administrative rules following the Governor’s signature to and approval of 2021 Iowa Acts, House File 693, and to reinsert subparagraph 9.5(4)“d”(6), which was stricken in a recent rule making.

The Board issued an order on July 12, 2021, commencing this rule making. The order is available on the Board’s electronic filing system, [efs.iowa.gov](https://efs.iowa.gov), under RMU-2021-0008.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Chapter-specific waiver provisions are unnecessary because any person may apply for waiver of any Board rule under rule 199—1.3(17A,474,476), which provides procedures for requesting a waiver of the rules in Chapters 8, 9, 17, and 38.

#### *Public Comment*

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on August 17, 2021. Comments should be directed to:

IT Support  
Iowa Utilities Board  
Phone: 515.725.7300  
Email: [ITSupport@iub.iowa.gov](mailto:ITSupport@iub.iowa.gov)

#### *Public Hearing*

An oral presentation at which persons may present their views orally or in writing will be held as follows:

September 14, 2021  
11:30 a.m. to 1:30 p.m.

Board Hearing Room  
1375 East Court Avenue  
Des Moines, Iowa

Persons who wish to make oral comments at the oral presentation may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the oral presentation and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 8.1(5) as follows:

**8.1(5)** Pursuant to Iowa Code section 479.31 and in accordance with 49 CFR 190.223as amended through July 1, 2021, for a violation of the permit requirements for a pipeline or underground gas storage facility.

ITEM 2. Adopt the following **new** subparagraph **9.5(4)“d”(6)**:

(6) Before completing permanent tile repairs, all tile lines shall be examined visually by televising on both sides of the trench over the full extent of the working easement to check for tile that might have been damaged or misaligned by construction equipment. If tile lines are found to be damaged, they must be repaired to operate as well after construction as before construction.

ITEM 3. Amend subrule 17.2(9) as follows:

**17.2(9)** Industry direct assessments and remainder assessments for gas and electric utilities exempted from rate regulation by the board and for providers of telecommunications service required to register with the board pursuant to Iowa Code section 476.95A that are exempted from rate regulation under Iowa Code chapter 476 shall be computed at one-half of the rate used in computing industry direct assessments and remainder assessments for other persons.

ITEM 4. Amend subrule **38.1(2)**, definition of “Competitive local exchange service provider,” as follows:

“*Competitive local exchange service provider*” means any person, including a municipal utility, that provides local exchange services, other than a local exchange carrier or a non-rate-regulated wireline provider of local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the board as of September 30, 1992.